

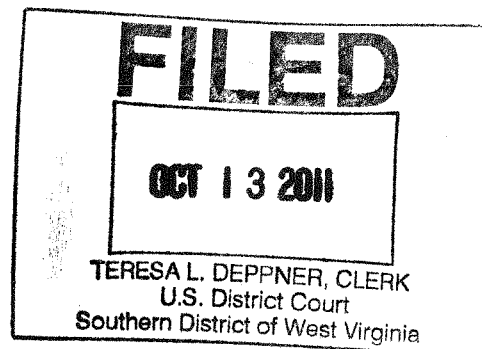
Case 1:11-mj-00197-SKO Document 6 Filed 10/05/11 Page 1 of 1

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

2500 Tulare Street  
Fresno, CA 93721

U.S. District Court for the  
Southern District of West Virginia  
PO Box 2546  
Charleston, WV 25329



**RE: USA vs. HARRY MARSHALL RAE**  
**USDC No.: 1:11-MJ-00197-SKO**

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated October 04, 2011, transmitted herewith are the following documents.

**Electronic Documents: 1 to 5.**

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

October 5, 2011

/s/ J. Hellings

Deputy Clerk

RECEIVED BY:

\_\_\_\_\_  
Please Print Name

DATE RECEIVED:

NEW CASE  
NUMBER:

\_\_\_\_\_  
2:11-cr-00238

U.S. District Court  
Eastern District of California - Live System

**Notice of Electronic Filing**

The following transaction was entered on 10/4/2011 at 3:19 PM PDT and filed on 10/4/2011

**Case Name:** USA v. Rae

**Case Number:** 1:11-mj-00197-SKO

**Filer:**

**Document Number:** 4(No document attached)

**Docket Text:**

**MINUTES (Text Only)** for proceedings held before Magistrate Judge Sheila K. Oberto: **DETENTION HEARING** as to Harry Marshall Rae held on 10/4/2011. The matter was argued and submitted - ordered **RELEASED** to third party custodian Jenny Bond with pretrial conditions as stated on the record. The Defendant is to appear on 10/18/2011, at 2:00 p.m. before Magistrate Judge Mary E. Stanley, in the Southern District of West Virginia, Charleston, room 5408. Government Counsel D. Rice present. Defense Counsel P. Sasso present. Custody Status: Custody - NO RESTRAINTS. Court Reporter/CD Number: ECRO / O. Figueroa. (Timken, A)

**1:11-mj-00197-SKO-1 Notice has been electronically mailed to:**

Dawrence Wayne Rice , Jr Duce.Rice@USDOJ.GOV, lynette.dixon@usdoj.gov, usacae.ecffrsngen@usdoj.gov

Peggy Sasso peggy\_sasso@fd.org, caefr\_ecf@fd.org, lupita\_llanes@fd.org

**1:11-mj-00197-SKO-1 Electronically filed documents must be served conventionally by the filer to:**

I hereby attest and certify on 10/5/11  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
office and in my legal custody.  
VICTORIA C. MINOR  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
By [Signature] Deputy

**U.S. District Court**  
**Eastern District of California - Live System (Fresno)**  
**CRIMINAL DOCKET FOR CASE #: 1:11-mj-00197-SKO-1**  
**Internal Use Only**

Case title: USA v. Rae

Date Filed: 09/29/2011

Date Terminated: 10/05/2011

Assigned to: Magistrate Judge Sheila K.  
 Oberto

**Defendant (1)**

**Harry Marshall Rae**  
*TERMINATED: 10/05/2011*

represented by **Peggy Sasso**  
 Office of the Federal Defender  
 2300 Tulare Street  
 Suite 330  
 Fresno, CA 93721  
 559-487-5561  
 Fax: 559-487-5950  
 Email: peggy\_sasso@fd.org  
**ATTORNEY TO BE NOTICED**

**Pending Counts**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

RULE 5(c)(3)








**Disposition****Disposition****Disposition**

I hereby attest and certify on 10/5/11  
 that the foregoing document is a full, true  
 and correct copy of the original on file in my  
 office and in my legal custody.  
 VICTORIA C. MINOR  
 CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 By [Signature] Deputy

**Plaintiff**

USA

represented by **Dawrence Wayne Rice , Jr.**  
 United States Attorney  
 2500 Tulare Street  
 Suite 4401  
 Fresno, CA 93721  
 (559) 497-4031  
 Fax: (559) 497-4099  
 Email: Duce.Rice@USDOJ.GOV

Date Filed	#	Docket Text
09/29/2011	 <u>1</u>	RULE 5(c)(3) ARREST and DOCUMENTS RECEIVED from Southern District of West Virginia. Case 2:11-mj-108 as to Harry Marshall Rae (1). (Sant Agata, S) (Entered: 09/29/2011)
09/29/2011	 <u>2</u>	MINUTES (Text Only) for proceedings held before Magistrate Judge Sheila K. Oberto: INITIAL APPEARANCE re CRIMINAL COMPLAINT re OUT OF DISTRICT WARRANT as to Harry Marshall Rae held on 9/29/2011. Defendant advised of charges and rights; waived further reading of charges and statutory and constitutional rights; waived identity hearing; waived Rule 20 transfer and requests to appear before the Court in the Southern District of West Virginia, Charleston. Government requests a detention hearing. Due to health issues of the defendant, defense counsel requests defendant be housed on the medical floor at the jail pending resolution of the issue of detention. <b>Detention Hearing set for 10/4/2011, at 01:30 PM in Courtroom 8 (SKO) before Magistrate Judge Sheila K. Oberto.</b> Government Counsel D. Rice present. Defense Counsel P. Sasso, appointed, present. Custody Status: Custody - NO RESTRAINTS. Court Reporter/CD Number: ECRO / O. Figueroa. (Timken, A) (Entered: 09/29/2011)
09/29/2011	 <u>3</u>	(Court only) CJA 23 FINANCIAL AFFIDAVIT by Harry Marshall Rae. (Verduzco, M) (Entered: 09/30/2011)
10/04/2011	 <u>4</u>	MINUTES (Text Only) for proceedings held before Magistrate Judge Sheila K. Oberto: DETENTION HEARING as to Harry Marshall Rae held on 10/4/2011. The matter was argued and submitted - ordered RELEASED to third party custodian Jenny Bond with pretrial conditions as stated on the record. The Defendant is to appear on 10/18/2011, at 2:00 p.m. before Magistrate Judge Mary E. Stanley, in the Southern District of West Virginia, Charleston, room 5408. Government Counsel D. Rice present. Defense Counsel P. Sasso present. Custody Status: Custody - NO RESTRAINTS. Court Reporter/CD Number: ECRO / O. Figueroa. (Timken, A) (Entered: 10/04/2011)
10/04/2011	 <u>5</u>	ORDER SETTING CONDITIONS of RELEASE as to Harry Marshall Rae (1), signed by Magistrate Judge Sheila K. Oberto on 10/4/11: <i>Defendant to appear in the Southern District of West Virginia, Charleston, Courtroom 5408, before Judge Mary E. Stanley on 10/18/11 at 2:00 pm.</i> (Hellings, J) (Entered: 10/05/2011)
10/05/2011	 <u>6</u>	TRANSMITTAL of DOCUMENTS on *10/4/2011* to * U.S. District Court for the* *Southern District of West Virginia* *PO Box 2546* *Charleston, WV 25329*. *Electronic Documents: 1 to 5. *. (Hellings, J) (Entered: 10/05/2011)
10/05/2011		(Court only) ***TERMINATED DEFENDANT Harry Marshall Rae. CLOSED FLAG SET. (Hellings, J) (Entered: 10/05/2011)

# United States District Court

EASTERN DISTRICT OF CALIFORNIA

**FILED**  
OCT 4 2011  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

## ORDER SETTING CONDITIONS OF RELEASE

HARRY MARSHALL RAE  
Defendant

Case Number: 1:11-mj-00197 SKO

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. **The defendant shall next appear at U.S. District Court, in the Southern District of West Virginia, Charleston, Courtroom 5408 before Judge Mary E. Stanley on 10/18/2011 at 2:00pm.**

### Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- ( ☒ ) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ☐ ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Case 1:11-mj-00197-SKO Document 5 Filed 10/04/11 Page 2 of 3  
 RAE, Harry Marshall  
 Dkt. No. 11-0197

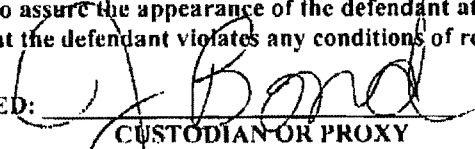
### ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of: Jeniffer Bond

Name of person or organization

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: 

CUSTODIAN OR PROXY

- (X) (7) The defendant shall:
- ( ) (a) maintain or actively seek employment, and provide proof thereof to the PSO, upon request.
  - ( ) (b) maintain or commence an educational program.
  - (X) (c) abide by the following restrictions on his personal associations, place of abode, or travel:  
Reside at a residence approved by the PSO, and not move or be absent from this residence for more than 24 hrs. without prior approval of PSO; travel restricted to the State of CA, and to the the Southern District of West Virginia, for court-related purposes, unless otherwise approved in advance by PSO.
  - (X) (d) not associate or have any contact with any future co-defendants, victims, or witnesses in this case, unless in the presence of counsel or otherwise approved in advance by the PSO.
  - (X) (e) report on a regular basis to the following agency:  
Pretrial Services and comply with their rules and regulations.
  - (X) (f) not associate or have any contact with any one in the greyhound industry, the Acting Governor of West Virginia, Dean Minor, as well as, the following individuals listed in the affidavit in support of the Complaint: Earl Ray Tomblin, Gary Guccione, Carey Theil, Kay Smith, Gary Tanner, Marty Tanner, and Tom Tapline.
  - ( ) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
  - ( ) (h) refrain from excessive use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 USC §802 unless prescribed by a licensed medical practitioner. *However, medical marijuana, prescribed or not, may not be used.*
  - ( ) (i) undergo medical or psychiatric treatment and/or remain in an institution, as follows: Including treatment for drug/alcohol dependency, and pay for costs as approved by the PSO.
  - ( ) (j) executed a bond or an agreement to forfeit upon failing to appear or failure to abide by any of the conditions of release, the following sum of money or designated property:
  - ( ) (k) post with the court the following indicia or ownership of the above-described property, or the following amount or percentage of the above-described money:
  - ( ) (l) execute a bail bond with solvent sureties in the amount of \$
  - ( ) (m) return to custody each (week)day as of o'clock after being released each (week)day as of o'clock for employment, schooling, or the following limited purpose(s):
  - ( ) (n) surrender any passport to the Clerk, United States District Court, prior to your release from custody.
  - ( ) (o) obtain no passport during the pendency of this case.
  - ( ) (p) submit to drug and/or alcohol testing as directed by the PSO.
  - ( ) (q) report any prescriptions to the PSO within 48 hours of receipt.
  - (X) (r) report telephonically to the Pretrial Services Agency on the first working day following your release from custody.
  - ( ) (s) participate in one of the following Location Monitoring program components and abide by all the requirements of the program which will include electronic monitoring or other location verification system. The defendant shall pay all or part of the costs of the program based upon your ability to pay as determined by the PSO.
    - ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the Pretrial Services office or supervising officer; or
    - ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services office or supervising officer; or
    - ( ) (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the Pretrial Services office or supervision officer.



**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTION:

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC §3148, and a prosecution for contempt as provided in 18 USC §401 which could result in a possible term of imprisonment and/or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than ninety days or more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 USC §1503 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC §1510 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to obstruct a criminal investigation; 18 USC §1512 makes it a criminal offense punishable by up to ten years in prison and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC §1513 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

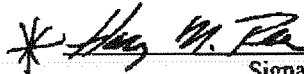
It is a criminal offense under 18 USC §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for;

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

**DIRECTIONS TO UNITED STATES MARSHAL**

- (X) The defendant is ORDERED released after processing.  
 ( ) The United States Marshal is ORDERED to keep the defendant in custody until notified by the Clerk of Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate Judicial Officer at the time and place specified, if still in custody.

DATE:

October 4, 2011

  
 Sheila K. Oberto, U.S. Magistrate Judge